

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

CONSTANCE SUNDELL,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Defendant.

Case No. 8:21-cv-00032

**DEFENDANT NOVARTIS PHARMACEUTICALS CORPORATION'S  
MOTION TO CERTIFY ORDER UNDER 28 U.S.C. § 1292(b) FOR INTERLOCUTORY  
APPEAL AND FOR STAY OF PROCEEDINGS**

COMES NOW defendant Novartis Pharmaceuticals Corporation ("NPC") and pursuant to 28 U.S.C. § 1292(b) hereby moves the Court to certify its September 8, 2021 Memorandum and Order, Filing No. 51 ("Order") for an immediate appeal and for a stay of proceedings. In support of this Motion, Defendant expressly incorporates the accompanying Memorandum and states that the Court's Order meets the criteria for certification under 28 U.S.C. § 1292(b) as it involves fundamental, threshold questions of law to which there is substantial ground for difference of opinion and that will drastically impact litigation of this matter.

WHEREFORE, defendant NPC prays that the Court certify its September 8 Order for interlocutory appeal and stay proceedings in this action until the Eighth Circuit resolves NPC's petition for appeal and any resulting interlocutory appeal.

Dated: September 22, 2021

Respectfully submitted,

NOVARTIS PHARMACEUTICALS  
CORPORATION, Defendant.

/s/ Michael K. Huffer

---

Michael K. Huffer – 18087  
Ronald F Krause – 15980  
Kathryn Cheatle – 24137  
Cassem, Tierney, Adams, Gotch & Douglas  
9290 West Dodge Road, Suite 302  
Omaha, Nebraska 68114  
Telephone: 402/390-0300  
Facsimile: 402/390-9676  
mhuffer@ctagd.com  
rkrause@ctagd.com  
[kcheatle@ctagd.com](mailto:kcheatle@ctagd.com)

Matthew J. Malinowski (*pro hac vice*)  
[mmalinowski@hollingsworthllp.com](mailto:mmalinowski@hollingsworthllp.com)  
Robert E. Johnston, Esq.  
[rjohnston@hollingsworthllp.com](mailto:rjohnston@hollingsworthllp.com)  
Carter F. Thurman  
[cthurman@hollingsworthllp.com](mailto:cthurman@hollingsworthllp.com)  
Shannon N. Proctor  
[sproctor@hollingsworthllp.com](mailto:sproctor@hollingsworthllp.com)  
HollingsworthLLP  
1350 I Street Northwest  
Washington, District of Columbia 20005  
(202) 898-5800